

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS DAVID WAITON,
Plaintiff,

v.

KERRI POST, et al.,
Defendants.

Case No. 13-cv-02439-JST (PR)

**ORDER FOR CLERK TO RESEND
COPIES; EXTENDING TIME TO
AMEND COMPLAINT AND PAY
INITIAL FEE**

Plaintiff filed this pro se civil rights action under 42 U.S.C. § 1983 on May 30, 2013 while an inmate at the Main Adult Detention Facility in Santa Rosa, California. The complaint was initially dismissed. Thereafter, by order filed October 16, 2013, the Court re-opened the action and directed plaintiff to file an amended complaint on or before November 13, 2013. (Dkt. No. 12.) In a separate order filed October 21, 2013, the Court denied plaintiff's request to stay the initial filing fee and directed plaintiff to pay the initial partial filing fee of \$49.80 on or before November 20, 2013. (Dkt. No. 13.) Plaintiff was cautioned that failure to amend the complaint within the designated time and/or failure to pay the initial fee within the designated time would result in dismissal of this action.

The aforementioned deadlines have passed, and plaintiff has not filed an amended complaint, paid the initial fee, or otherwise communicated with the Court. The Court notes, however, that plaintiff filed a notice of change of address in a separate case Waiton v. City of Santa Rosa, C 13-3218 JST (PR), indicating that he was relocated to Metro State Hospital sometime in October 2013. It therefore appears that plaintiff did not receive the Court's prior orders due to a change of address.

Accordingly, the Court orders as follows:

1. The Clerk is directed to change plaintiff's address in the instant action to Thomas David Waiton, #10085230, Metro State Hospital, 11401 S. Bloomfield Avenue, Unit 415, Norwalk, CA 90650.

2. The Clerk is further directed to send plaintiff, at the new address, a copy of: (1) the docket in this action; (2) the Court's October 16, 2013 order (Dkt. No. 12); and (3) the Court's October 21, 2013 order (Dkt. No. 13).

3. The time to file the amendment to the complaint **and** to pay the initial partial filing fee is extended to **thirty (30)** days from the date this order is filed. If plaintiff can no longer pay the initial partial filing fee, he may file a new IFP application, also within **thirty (30)** days from the date this order is filed. The application must include a certificate of funds completed by a Metro State Hospital official and a copy of plaintiff's trust account statement. Failure to amend the complaint within the designated time will result in dismissal of this action. Failure to pay the initial partial filing fee or file a new completed IFP application will also result in dismissal of this action.

4. The Clerk shall send plaintiff: (1) a blank civil rights form, and (2) a prisoner IFP application.

IT IS SO ORDERED.

Dated: December 2, 2013


JON S. TIGAR
United States District Judge